

17-19, 21-23, 27-30 depend from claims 3, 6, 9-16, 20 and 26 and, thus, now depend from claim 33. As stated previously in the Response to Restriction Requirement, all of claims 3-23, 26-30, and 34-39 depend from claim 33, read on claims of Group II and are within the elected group. Applicant believes the failure to include claims 4, 5, 7, 8, 17-19, 21-23, 27-30 was an inadvertent oversight and requests that those claims be considered with the other pending claims.

Rejections for obviousness-type double patenting

Claims 3, 6, 9-16, 20, 26, 33-39, 61 and 62 were rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent Nos. 5,674,731; 5,994,135; 6,271,032, 6,361,999 and U.S. Patent App. No. 09/923,892 (now U.S. Pat. No. 6,610,544). Accordingly, Applicants file a Terminal Disclaimer in compliance with 37 CFR 1.321(c) to overcome the obviousness-type double patenting rejection.

Conclusion

In light of the above remarks and the Terminal Disclaimer, Applicant believes claims 3-23, 26-30, 33-39, 61 and 62 should be pending in the application and are in condition for allowance.

This submission is accompanied by a Petition for Extension of Time of Three (3) Months with required fee. A check in the amount of \$1,060.00 is enclosed to cover the fee for a Terminal Disclaimer (\$110.00) and the extension fee (\$950). If the enclosed amount is incorrect, please charge any deficiency or credit any overpayment to deposit account 07-1969.

Respectfully submitted,



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